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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,359	06/07/2001	Luigi Pace	CM2381	9161

27752 7590 06/17/2003

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EXAMINER

EINSMANN, MARGARET V

ART UNIT PAPER NUMBER

1751

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/876,359

Applicant(s)

PACE ET AL

Examiner

Margaret Einsmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other:

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of a transmittal letter papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in EPO on June 19, 2000. There is no priority document attached to the transmittal paper.

Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei et al., US 6,245,729.

A composition for forming and releasing an aqueous peracid solution is disclosed. A chemical heater provides for the generation of heat. See abstract. Said chemical heater, when contacted with water hydrates and generates heat in an amount sufficient to raise the temperature of at least about 5 degrees centigrade. See col 9 lines 29-51. Preferred chemical heaters are listed in the paragraph bridging columns 9

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and 10 and include the claimed inorganic salts and pyrophosphoric acid. Patentee also states that the chemical heater can also generate heat by the claimed acid-base neutralization. See col 10 lines 3-11. Regarding the limitations of claim 6, acid-base reactions as well as the reactions of said metal salts with water all result in the transfer of electrons, and thus involve oxidizing agents and reducing agents. The composite structure can be a carpet sanitizer powder, and the sanitizer may be generated on the surface. Col 14 lines 1-7. here is no working example of a process of generating heat on the surface of a carpet or other textile. It would have been obvious to the skilled artisan that patentee teaches a carpet sanitizer composition in which the sanitizer may be generated on the carpet surface because column 14 as cited clearly teaches that utility for the heat generating sanitizer composition.

Claims 1-4, 7, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calton, US 6,068,665 in view of Menkart et al.

Calton teaches the removal of carpet stains by misting a carpet with water and then adding a composition comprising zeolite, and letting it stand until dry, and vacuuming it. See examples 1,2 and others. Calton uses calcined zeolites such as 4A, Y, Morednite and Silicalite. See col 2 lines 61-63.

Calton differs from the instant claims in that he does not state that he is using a heat generating composition. Menkart is applied for the teaching that zeolites react exothermically in the presence of water. See col 1 lines 32 et seq.

It would have been obvious to the skilled artisan that the process of applying water and zeolite to carpet to remove a stain used by Calton is an exothermal or heat


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generating process, because Menkart teaches that same process of generating heat, and that that heat generation will be at least 1° C. as claimed in claim 10 since Menkart's examples show that there is a clear sensation of heat when the compositions are used as a cosmetic.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 703-308-3826. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Margaret Einsmann  
Primary Examiner  
Art Unit 1751

June 12, 2003